

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

Milton Boyer and Kathy Boyer,)
)
Plaintiff,)
)
v.) Case No. 3:14-cv-00286-wmc
)
Weyerhaeuser Company, et al.,)
)
Defendants.)

**OWENS-ILLINOIS, INC.'S
MOTION FOR RULING ON WIS. STAT. § 802.025**

Owens-Illinois, Inc. ("Owens-Illinois") submits this motion for a ruling on its fully briefed Motion for Relief Under Wis. Stat. § 802.025 (ECF No. 52). In support, Owens-Illinois states as follows:

1. On June 20, 2014, Owens-Illinois filed a Motion for Relief Under Wis. Stat. § 802.025 (ECF No. 52), a new state statute related to asbestos personal injury claims. After obtaining an extension, Plaintiffs filed their response in opposition on July 21, 2014 (ECF No. 90). Owens-Illinois then filed its reply on July 31, 2014 (ECF No. 91). Therefore, Owens-Illinois's motion was fully briefed and the issue was ripe for review by this Court.

2. On August 22, 2014, however, the Court denied the motion as moot when Owens-Illinois was dismissed from this action. Opinion and Order at 1 n.1, ECF No 94 ("Owens-Illinois also filed a motion to order plaintiffs' compliance with Wis. Stat. § 802.025, a new state statute requiring disclosure of asbestos trust claims, among other provisions. (Dkt. #52.) Because the court grants Owens-Illinois' motion to dismiss, it

need not reach the merits of this motion, and accordingly, will deny it as moot.”).

3. Last week, Owens-Illinois was reinstated as a defendant in this action when the Court granted Plaintiff’s second Motion for Reconsideration. Order at 1-3, ECF No. 175. Because Owens-Illinois’s motion is no longer moot, Owens-Illinois requests a ruling on the fully briefed motion in the interests of docket management and judicial economy. Moreover, the dispositive motion deadline and trial have been scheduled and the application of Wis. Stat. § 802.025 will be important for the parties as discussed in their briefing.

For these reasons, Owens-Illinois, Inc. requests a ruling on the fully briefed Motion for Relief Under Wis. Stat. § 802.025 (ECF No. 52, 90, 91).

Dated: June 10, 2015

Respectfully submitted,

By: /s/ Brian O. Watson
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CERTIFICATE OF SERVICE

I certify that on June 10, 2015, these papers were filed with the Clerk of the Court for the United States District Court for the Western District of Wisconsin using the CM/ECF system, which will send notification of such filing upon all parties who have appeared.

/s/ Brian O. Watson
Brian O. Watson

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